

Appl. No. : 09/859,651
Filed : May 17, 2001

REMARKS

Claim 42 has been amended. Claims 41-47, 49-53, 55-58, and 60-64 are now pending in this application. Support for the amendments is found in the existing claims and the specification as discussed below. Accordingly, the amendments do not constitute the addition of new matter. Applicant respectfully requests the entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

Double patenting

Claims 41-47, 53, and 55-57 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,642,026.

Claims 41-47, 53, 55-57, and 63-64 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11, 19, and 24 of copending application No. 09.929,918.

The above grounds of rejection are believed to be overcome by Applicants' terminal disclaimer, submitted herewith.

Rejection under 35 U.S.C. § 112, second paragraph

Claim 42 is rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As indicated by the Examiner, claim 42 should read "alpha 2b interferon" not "alpha 2b." This error has been corrected by amendment. Support for the amendment is found in Example 4 at pages 13-14, for example.

Withdrawal of this ground of rejection is respectfully requested.

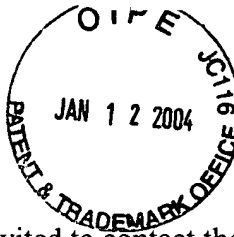
Allowability of claims 49-52, 58 and 60-62

The Examiner's indication of allowability for claims 49-52, 58 and 60-62 is gratefully acknowledged.

CONCLUSION

In view of Applicants' amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the

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application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated:

Jan. 7, 2004

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